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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 15, 18, 19, 23-26, 28-31, and 35-37 have been rejected under 35 U.S.C. §102 as being anticipated by Shah-Nazaroff et al., USPN 6,317,881, and Claims 1, 20-22, 27, and 32-34 have been rejected 35 U.S.C. §103 as being unpatentable over Shah-Nazaroff et al. in view of Smith et al., USPN 6,742,033. Claims 2-4 have been rejected as being unpatentable over Smith et al. in view of Lawler et al., USPN 5,699,107, Claims 5-14 have been rejected as being unpatentable over Smith et al. in view of Lawler et al. and Shah-Nazaroff et al., and Claims 16 and 17 have been rejected as being unpatentable over Shah-Nazaroff et al. in view of Lawler et al.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, Claims 26-36 have been canceled and independent Claim 1 has been amended to recite that content is pushed onto the TV as the content regarding topics of interest becomes available as disclosed on page 14 of the specification, lines 5-7. Independent Claim 2, on the other hand, now recites that the content to be pushed is determined without the user specifying the topic as disclosed in the specification on page 13, penultimate paragraph (divulging that predictive models can be used to determine topics of interest from things such as demographics). In contrast, independent Claim 15 now recites that the content is pushed based on consumer input regarding user-defined priority levels of topics of interest for different times of day as set forth on page 15 of the specification, lines 7-9. Claims 1-25 remain pending.

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**Rejections Under 35 U.S.C. §102**

Claims 15, 18, 19, 23-26, 28-31, and 35-37 have been rejected under 35 U.S.C. §102 as being anticipated by Shah-Nazaroff et al., which uses viewer feedback to derive a ratings system. As best understood, the only thing sent back to the viewer in Shah-Nazaroff et al. is a program list with ratings. Content itself is not actually pushed, and certainly not based on user-defined content priorities that are keyed to time of day, rendering amended Claim 15 patentable.

Applicant notes that in the obviousness rejection of Claim 20, it has been alleged that Smith et al., col. 4, line 63-col. 5, line 12 and col. 6, lines 9-20 teaches presenting content at the appropriate time of day. However, the user of Smith et al. does not get to choose what content is displayed when - that is done automatically by the caching system based on usage patterns that might be very different from time of day priorities that the user might actually desire to implement despite his or her past usage patterns. Because Smith et al. appears to focus on automatic caching somewhat analogously to hard disk drive caching, and because allowing a user to disrupt the caching strategy by defining what essentially would be *ad hoc* priorities would thus frustrate Smith et al., Claim 15 as now amended is contraindicated by Smith et al.

**Rejections Under 35 U.S.C. §103**

Claims 1, 20-22, 27, and 32-34 have been rejected 35 U.S.C. §103 as being unpatentable over Shah-Nazaroff et al. in view of Smith et al., Claims 2-4 have been rejected as being unpatentable over Smith et al. in view of Lawler et al., Claims 5-14 have been rejected as being unpatentable over Smith et al. in view of Lawler et al. and Shah-Nazaroff et al., and Claims 16 and 17 have been rejected as being unpatentable over Shah-Nazaroff et al. in view of Lawler et al. As now amended, Claim 1 recites subject matter that

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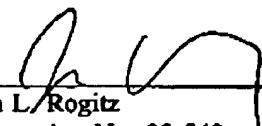
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would not result even if the references were combined as proposed, namely, that the content is pushed as it becomes available. Smith et al. pushes content when the caching strategy deems it appropriate, as opposed to when the content becomes available. Indeed, pushing the content on an availability basis instead of on a programmed caching basis would frustrate the purpose of Smith et al. Likewise, none of the relied-upon references appear to teach or suggest this feature of amended Claim 1, rendering it patentable.

In contrast, amended Claim 2 now recites determining the topics of interest without the user specifying them, to patentably distinguish Claim 2 over the relied-upon portion of Smith et al., wherein the user must affirmatively visit a web site hosting content and only that content subsequently is cached. Accordingly, it appears that Claim 2 is patentable.

To facilitate prosecution Applicant has focussed comments herein on the independent claims, but this is not to be construed as acquiescence in the rejections of any dependent claims not specifically discussed. The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
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